

world's largest oil and other reserves doesn't need nuclear power for domestic consumption, and because of what we clearly believe was the militarization of its efforts at Parchin that, in fact, there were purposes that were not benign.

We all hope for a deal. Although today when Foreign Minister Zarif said in response to President Obama's comments that 10 years should be the minimum timeframe for a deal, he—Foreign Minister Zarif—said that is unacceptable, illogical, and excessive, that is a problem.

So I look forward to listening to what the Prime Minister has to say about the challenge to all of us—our national security and to Israel's national security—and to understand all of the dimensions, historical and otherwise, so we can conclude and make our own judgments. If Prime Minister Cameron can come here and lobby the Congress on sanctions, which is fine with me, then I think it is also fair to listen to what the Prime Minister of Israel has to say, and I look forward to hearing what he has to say.

With that, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRIME MINISTER OF ISRAEL

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 10:30 a.m., took a recess, and the Senate, preceded by the Secretary of the Senate, Julie E. Adams; the Deputy Sergeant at Arms, James Morhard; and the President pro tempore (ORRIN G. HATCH), proceeded to the Hall of the House of Representatives to hear an address delivered by His Excellency Benjamin Netanyahu, Prime Minister of Israel.

(The address delivered by the Prime Minister of Israel to the joint meeting of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

At 2:15 p.m., the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mr. PORTMAN).

The PRESIDING OFFICER. The majority leader.

MEASURE READ THE FIRST TIME—S. 625

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (S. 625) to provide for congressional review and oversight of agreements relating to Iran's nuclear program, and for other purposes.

Mr. MCCONNELL. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

Mr. MCCONNELL. Mr. President, this morning Prime Minister Netanyahu laid out the threat posed by a nuclear Iran in very clear terms—not just to Israel, not just to the United States, but to the entire world. He reminded us that no deal with Iran is better than a bad deal with Iran.

That seems to run counter to the Obama administration's thinking on the issue, which is worrying enough. What is also worrying is its seeming determination to pursue a deal on its own, without the input of the people's elected representatives. Remember, it was Congress that helped bring Iran to the table by putting sanctions in place, actually against—against—the wishes of the administration.

Congress was right then. And Congress and the American people need to be a part of this discussion too. That is why I am acting to place this bipartisan bill on the legislative calendar. It is legislation crafted by Members of both parties that would ensure the American people have a say in any deal. Senators CORKER, GRAHAM, and others worked on similar legislation, and they will mark that bill up in committee.

Congress must be involved in reviewing and voting on an agreement reached between this White House and Iran, and this bill would ensure that happens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE NATIONAL LABOR RELATIONS BOARD—MOTION TO PROCEED

Mr. ALEXANDER. Mr. President, pursuant to the provisions of the Congressional Review Act, I move to proceed to S.J. Res. 8, a joint resolution providing for congressional disapproval of the rule submitted by the National Labor Relations Board relating to representation case procedures, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

This motion is not debatable.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk (Sara Schwartzman) called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Missouri (Mr. BLUNT).

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. McCASKILL) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—53

Alexander	Fischer	Paul
Ayotte	Flake	Perdue
Barrasso	Gardner	Portman
Boozman	Graham	Risch
Burr	Grassley	Roberts
Capito	Hatch	Rounds
Cassidy	Heller	Rubio
Coats	Hoehn	Sasse
Cochran	Inhofe	Scott
Collins	Isakson	Sessions
Corker	Johnson	Shelby
Cornyn	Kirk	Sullivan
Cotton	Lankford	Thune
Crapo	Lee	Tillis
Cruz	McCain	Toomey
Daines	McConnell	Vitter
Enzi	Moran	Wicker
Ernst	Murkowski	

NAYS—45

Baldwin	Gillibrand	Nelson
Bennet	Heinrich	Peters
Blumenthal	Heitkamp	Reed
Booker	Hirono	Reid
Boxer	Kaine	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Manchin	Stabenow
Casey	Markey	Tester
Coons	Menendez	Udall
Donnelly	Merkley	Warner
Durbin	Mikulski	Warren
Feinstein	Murphy	Whitehouse
Franken	Murray	Wyden

NOT VOTING—2

Blunt
McCaskill

The motion was agreed to.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE NATIONAL LABOR RELATIONS BOARD

The PRESIDING OFFICER. The clerk will now report the joint resolution.

The senior assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 8) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to representation case procedures.

The PRESIDING OFFICER. Pursuant to the Congressional Review Act, there will now be up to 10 hours for debate, equally divided between those favoring and those opposing the joint resolution.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I have come to the floor today to discuss the Congressional Review Act resolution that Senator MCCONNELL, the Republican leader, Senator ENZI, the Senator from Wyoming, and I have filed to stop a new National Labor Relations Board rule. Last December, the National Labor Relations Board issued a

final rule that shortened the time between when pro-union organizers ask an employer for a secret ballot election and when that election actually takes place.

I refer to this as the “ambush election rule,” because it forces a union election before an employer has the chance to figure out what is going on. Even worse, it jeopardizes employees’ privacy by requiring employers to turn over employees’ personal information, including email addresses, phone numbers, shift hours, and locations to union organizers.

This action by the National Labor Relations Board, which increasingly has become a union advocate instead of umpiring disputes between employees and employers, has attracted enormous attention across this country. I have letters from the U.S. Chamber of Commerce, the Coalition for a Democratic Workplace, the National Council of Chain Restaurants, the National Retail Federation, the Retail Industry Leaders Association, Associated Builders and Contractors, the American Lodging and Hotel Association, HR Policy Association, the National Association of Manufacturers, the Society for Human Resource Management, the Associated General Contractors of America—173 total organizations that have registered their deep concern about this ambush election rule.

Senator ENZI is already on the floor. He has for many years fought this battle. We want the American people to understand why the ambush election rule is such a bad idea, why it is so unfair to employers, forcing them to have a union election before they can figure out what is going on. For the same reason, it is unfair to employees. Employees have to vote in a union election before they have a chance to hear both sides.

Here is how the procedure will work. If a majority of the Senate approves this resolution, it will then go to the House for a vote. If it passes both chambers, the President can veto the resolution. It will take two-thirds of the Senate to override that veto.

If the NLRB’s new rule is disapproved, the Board cannot issue a substantially similar rule without congressional approval. The question I would ask is: What is the rush? What is the problem here? Today, more than 95 percent of union elections occur within 56 days of the petition filing. But under this new rule, elections could take place in as few as 11 days. This rule will harm employers and employees alike. If you are an employer that is ambushed by that 11-day election, here is how it works. On day 1, you get a faxed copy of an election petition that has been filed at your local NLRB regional office stating that 30 percent of your employees support a union.

The union may have already been quietly trying to organize for months without your knowledge. Your employees have only been able to hear the union’s point of view. By day 2 or 3,

you must publicly post an election notice in your workplace. If you communicate to your employees electronically, you have to publish the notice online as well. By noon on day 7 you must file with the NLRB what is called a statement of position. This is a comprehensive document in which an employer sets out legal positions and claims in writing. Under the NLRB’s new rule, you waive your rights to use any legal arguments not raised in this document. So it should be pretty obvious that by day 7 you will have to have a lawyer on hand. You probably need that lawyer on hand on day 2, and hopefully on day 1, because if you make any mistakes in the lead-up to the election, the NLRB might set aside the result and order a rerun election. Worse, if a bigger mistake is made, it could require an employer to automatically bargain with the union.

Now think about the real world. At our hearing before the Health, Education, Labor, and Pensions Committee, a representative of the National Federation of Independent Businesses testified. She said there are 350,000 independent business owners in the NFIB, with an average of 10 employees. So you have small businesses all over America. They do not sit around with labor lawyers; they do not have money to hire labor lawyers. They are expected to know in a day or two exactly what to do about a complicated petition before the NLRB because of this ambush election rule that could cause the election to happen within 11 days.

On day 7, you must also present the union and the NLRB with a list of prospective voters as well as their job classifications, shifts, and work locations.

Now if you are a business with five, six, seven, eight employees, you are going to be spending your time working on this union matter. Your customers might want your services. They might want on-time deliveries. All of a sudden, you are running around trying to find a labor lawyer, trying to avoid making mistakes, so you can deal with this ambush election.

On day 8, a pre-election hearing is held at the NLRB regional office and an election day is set. By day 10, the employer must present the union with a list of employee names, personal email addresses, personal cell phone numbers, and home addresses. You have to hand this information over, even if the employees object.

Day 11 is the earliest day on which the NLRB can conduct the election under the new rule. The union has the power to postpone an election by an additional 10 days, but the employer has no corresponding power. The union has ambushed the employer and has the power to postpone the election, but the employer has no similar right.

Under this new NLRB rule, before the hearing on day 8, an employer will have less than 1 week to do the following things:

Figure out what an election petition is. For most of those hundreds of thousands of small businesses with five, six, eight employees, they might have no idea what it is.

Find legal representation. Finding a lawyer is not just a matter of looking in a phone book, it is a matter of finding a lawyer with whom you are comfortable, whom you trust, and whom you know has some ability. That may take a while, particularly if you are not a large company and you are not accustomed to labor relations litigation.

Determine legal positions on the relevant issues—learning what statements and actions the law permits and prohibits.

Communicate with employees about the decision they are making.

Correct any misstatements and falsehoods that employees may be hearing from union organizers.

As I mentioned earlier, making even the slightest mistake in the lead-up to an election can result in the NLRB setting aside the results and ordering a rerun election, or worse, when a bigger mistake is made, the Board could require an employer to automatically bargain with the union.

But it is the employees who stand to lose the most under the new rule. First, some of the employees may know what is going on before the union files its notice of an election. But all of the employees do not have a chance to hear both sides of the issue in an ambush election.

Second, because of the ambush, employees may have only heard half the story. Only 4.3 percent of union elections occur more than 56 days after the petition is filed. The current median number of days between the filing of an election is 38 days. These figures are well within the NLRB’s own goals for timely elections.

The unions won 64 percent of elections in 2013. In recent years the union win rate has actually been going up. What is the rush? Why is 38 days too long? It is well within the NLRB’s own goals and unions are winning more elections than they lose.

Let’s turn to 1959, when a former Member of this body, Senator John F. Kennedy, warned against rushing employees into elections in a debate over amendments to the National Labor Relations Act. This is what he said:

There should be at least a 30-day interval between the request for an election and the holding of the election in which both parties can present their viewpoints.

Senator John F. Kennedy, April 21, 1959.

If Senator Kennedy thought 30 days was approximately right, if 38 days is the mean today, and if that is within the NLRB’s own goals, why the rush? Why the push for an ambush election? Why have an election that can be set in 11 days before employers and employees know what is going on?

When a workplace is unionized, especially in a State that has no right-to-

work law, employees have dues money taken out of every paycheck whether they like it or not. They lose the ability to deal directly with their employers to address concerns or ask for a promotion or a raise. Instead, employees have to work through the union. Important considerations, such as which of their fellow employees will be included in a bargaining unit, will no longer be determined before the election. As the two dissenting members of the NLRB put it when this rule was decided: Employees will be asked to “vote now, understand later.”

I wish to emphasize what the employees are losing, in addition to the opportunity to fully understand the election before them. Employees are losing their privacy, because the rule requires employers to hand over employees’ personal email addresses, cell phone numbers, shift hours and locations, job classifications, even if the employees have made clear they do not want to be contacted by union organizers.

Some on the other side say: It is the modern age. But I would say that in the modern age our privacy is assaulted from every side. We should be even more careful about rushing an election and releasing personal information. Employers should not have to hand over employees’ personal email address, cell phone numbers, shift locations, and job classifications just because a petition is filed by 30 percent of the employees. Many employees may have no interest in creating a union.

This rule appears to be a solution in search of a problem. It is clear to see it is wrong, and that is why Senators ENZI, MCCONNELL, and I are asking the Senate to disapprove it today and prohibit the NLRB from issuing any similar rule.

I will come back to the floor during our debate time to talk about how this rule is part of the National Labor Relations Board’s attempt to become more advocate than umpire. That is the reason Senator MCCONNELL and I have introduced legislation that would change the National Labor Relations Board back from an advocate to an umpire by doing three things. First, it would end partisan advocacy by creating a six-member board of three Republicans and three Democrats where a majority would require both sides to find middle ground. Second, the legislation would rein in the general counsel. Businesses and unions would be able to challenge complaints filed by the general counsel in Federal district court. Third, it would encourage timely decisions. Either party in a case before the Board may appeal to the Federal court of appeals if the Board fails to reach a decision within 1 year.

When I come back to the floor I will also talk about the joint employer standard and the NLRB’s decision to destroy more than 700,000 American franchise businesses. These men and women operate health clubs, barber-shops, auto parts shops, childcare centers, neighborhood restaurants, music

stores, cleaning services, and much more.

Combine the attack on franchises with the ambush election rule and an NLRB decision allowing micro-unions—where unions target small units in a large company—and we see there is a consistent trend by unions and their friends in the NLRB to tip the balance in ways never intended by the creators of the National Labor Relations Act.

The National Labor Relations Board is supposed to be an umpire, not an advocate. If there ever was an example of unfairness and tipping the balance in a single direction, it would be the ambush election rule. The rule allows union organizers to ambush an unsuspecting company and force an election in 11 days—before the employer and its employees have time to figure out what is going on.

In conclusion, I think Senator Kennedy’s advice is good advice to follow. Much has changed since 1959, but fairness, balance, and giving everyone a chance to have an opportunity to know what is going on have not. Senator Kennedy thought 30 days was about right, and 38 days is the mean today. This ambush election rule would reduce it to 11.

That is the wrong thing to do, and I hope the majority in the Senate agrees with me on that. I hope the House agrees with us on that. I hope the President will agree with us on that. If he vetoes it, as he has said today he will, then I hope a majority of both parties will speak up for employers and employees in the United States and say no ambush elections for us.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. LANKFORD). The Senator from Washington.

Mrs. MURRAY. Mr. President, I believe that real long-term economic growth is built from the middle out, not from the top down, and our government has a role to play in investing in working families, making sure they have the opportunity to work hard and succeed and offering a hand up to those who want to climb the economic ladder and provide a better life for themselves and their families. Our government and our economy should be working for all families, not just the wealthiest few.

Thankfully, we have had the opportunity to put some policies into place over the past few years that have pulled our economy back from the brink and have started moving us in the right direction. We are not there yet, but across the country businesses have now added almost 12 million new jobs over 59 straight months of job growth, including almost 1 million manufacturing jobs. The unemployment rate is now under 6 percent. Health care costs are growing at their lowest rate in almost 50 years, while millions more families have access to affordable coverage. The Federal budget deficit has been reduced by more than two-thirds since President Obama

took office. Although some Republicans are now threatening to bring this back, we have been able to move away from the constant tea party-driven crisis and uncertainty that was destroying jobs and holding our economy back.

We are headed in a good direction, and I am proud of the policies we fought for that helped us get here, but we have a whole lot more to do. Over the past few decades, working families have seen their incomes stagnate while the cost of living and health care and education has continued to go up. For most workers, wages have stayed flat or have fallen over the past five decades. According to the National Employment Law Project, from 2009 to 2013 hourly wages declined by 3.4 percent. During that time low- and mid-wage workers experienced greater declines than higher wage workers. That means that across our country today too many families are struggling to make ends meet on rock-bottom wages and poor working conditions on the job.

While the middle class’s share of America’s prosperity is at an alltime low, the biggest corporations have posted record profits. Congress should be working on ways to build an economy that works for all of our families, not just those at the top. Unfortunately, once again, instead of standing up for workers, my Republican colleagues are rushing to the defense of the biggest corporations that have an interest in keeping wages low and denying workers a voice to improve their workplace.

Workers have a right to decide whether they want union representation. To ensure they are able to exercise that right, the National Labor Relations Board—or the NLRB—helps to make sure workers have a fair up-or-down vote.

Unfortunately, too often big corporations take advantage of loopholes in the current election process to delay a vote on union representation. Unnecessary litigation and excessive delays threaten the rights of workers who want to have a free and fair election. In too many cases big corporations take advantage of every possible opportunity and wasteful legal hurdle—sometimes on small technicalities—just to delay a vote.

Sometimes the confrontation and hostility during the election process can be extreme. A study from the Center for Economic and Policy Research found that among workers who openly advocate for a union during an election campaign one in five is fired. Bureaucratic delays make the problem worse. Another study—this one from UC Berkeley—found the longer the delay before an election, the more likely the NLRB will charge employers with attempts to tamper with the vote.

What is clear from that research is that delays only create more barriers that deny workers their right to organize a union. The NLRB was absolutely

right to carry out its mission to review and streamline its election process and to bring down those barriers for workers to get a fair vote because it is clear the current system is outdated and vulnerable to abuse.

As I have mentioned, the current election process is overburdened by unnecessary and wasteful litigation which drags out elections and puts workers' rights on hold. Not only that, the election process for one region of the country can be substantially different from another region, and that adds to inefficiencies and a lot of confusion.

Workers have the right to vote on union representation in elections that are efficient and free from unnecessary delays and wasteful stall tactics. So after a very rigorous review process, in December of last year, the NLRB made reforms to their election procedures. These updates will make modest but important changes to modernize and streamline the process. They will reduce unnecessary litigation on issues that will not affect the outcome of the election. The new reforms will bring the election process into the 21st century by letting employers and unions file forms electronically. They will allow the use of more modern forms of communication to employees through their cell phones and their emails.

It is important to note that in many regions the NLRB has already adopted some of these much needed reforms to the election process, so we know this can work. These reforms will simply standardized the best practices for the election process across regions, which will help all sides—all sides—know what to expect during the process to promote uniformity and predictability.

These changes aren't just good for the workers, but they are good for employers by streamlining the process when workers file a petition to have an election on whether to join a union, and the reforms will make sure all sides have the information they need.

I have laid out the improvements the new reforms will make, but let's talk about what these guidelines will not do. The new process does not require elections to be held within any specific timeframe. I want to repeat that because it is important. Contrary to what some of our colleagues on the other side of the aisle are arguing, these new guidelines do not require elections to be held within any specific timeframe. Not only that, but this rule does not in any way prevent companies from communicating their views about unionization. Employers are able to communicate extensively with their employees about union issues, and these reforms do nothing to stop that. Employers would still be able to talk with their workers about what a union would mean for their company.

The reforms simply make some commonsense updates to create a fair opportunity for workers to decide if they want union representation, but some of my colleagues on the other side of the

aisle take great offense to these modest changes. Instead of standing up for workers across the country who are struggling with stagnant wages and poor working conditions, Republicans have chosen to challenge these commonsense reforms with a resolution of disapproval, and that is why we are here today.

Instead of talking about how to create jobs and help working families who are struggling, Republicans would rather roll back workers' rights to gain a voice at the bargaining table. The Republicans' attempt to stop this rule through a resolution would have major consequences for businesses, for unions, and workers who want a fair election process.

Passing the resolution would not only prevent the NLRB from implementing these commonsense reforms, but this resolution would take the drastic step of also preventing the NLRB from adopting any similar election rules in the future. So the outdated election process that leads today to frivolous litigation and delays would remain frozen in time without further congressional action.

Let us be clear. This rule is simply about reducing unnecessary litigation and allowing the use of cell phones and email. I have heard some of my colleagues call this frontier justice. Everyone else calls it the 21st century.

By law workers have the right to join a union so they can have a voice in the workplace. That is not an ambush, it is their right. It is guaranteed by the National Labor Relations Act and by the First Amendment of our Constitution. So when workers want to vote on whether to form a union, they aren't looking for special treatment, they are simply trying to exercise their basic right. We, as a nation, should not turn our back on empowering workers through collective bargaining, especially because that is the very thing that has helped so many workers climb into the middle class. Workers having a seat at the bargaining table is very critical to America's middle class. When more workers can stand up for their rights or wage increases or making sure their workplaces are safer or they have access to health care, those things get better for them.

In short, Americans are better able to share in the economic prosperity they have earned through their hard work. It is no coincidence that when union membership was at its peak in the middle of the last century, America's middle class grew strong. Collective bargaining is what gave workers the power to increase their wages. Unions helped workers get the training they needed to build their skills so they could advance on the job. They helped to make sure men and women had safe work places, and through collective bargaining access to health care rose. Workers shared in our country's prosperity. All of those benefits strengthen economic security for the middle class and for those working hard to get there.

In Congress, we need to continue to work to expand economic security for more families. That should be our mission, to help move our country forward. This resolution would simply be a step backward. So instead of attacking workers who just want a voice in the workplace, I hope my colleagues will reject this resolution. Instead, I really hope Republicans will join with Democrats and work with us to protect workers rights and increase wages and grow our Nation's middle class. I truly hope we can break through the gridlock and work together on policies that create jobs, expand our economic security, and generate a very broad-based economic growth for our workers and our families, not just for the wealthiest few.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise today to object to another administrative overreach. As I travel the country and Wyoming, that is what I hear about—the way this administration keeps overreaching. Fortunately, there is a mechanism for us to object to the overreach; it is the Congressional Review Act. Very seldom can it be used. This is one of those instances where it can. When it is published as a final rule, we have an opportunity to circulate a petition. If we get enough signatures on it, we can have what we are having today, which is 10 hours of debate, with a vote up or down on whether that rule is what Congress intended—not what the administration intended but what Congress intended.

Unfortunately, when this rule was written, there was a provision that it went to the President. The President doesn't assign rules. Congress assigns rules, so Congress ought to have the final voice on whether a rule is appropriate. We don't. But we have a chance to voice it because we are going to get 10 hours of debate to talk about this proposed rule by the National Labor Relations Board—a totally appointed board, not an elected board, three Democrats, two Republicans. If this were as modest a change as we just heard, there would have been some common ground that would have brought one or both of the Republicans along. That has been a thing of the National Labor Relations Board in the past but not anymore. Now the Republican members of this National Labor Relations Board are ambushed as well, and we come up with what we call the ambush elections rule.

So I rise to encourage my colleagues to support the Congressional Review Act resolution of disapproval of the National Labor Relations Board ambush elections rule. I again thank my friend Senator ALEXANDER, the chairman of the Health, Education, Labor and Pensions Committee, for leading this resolution. Oversight of Federal agencies is one of the most important duties of a committee chair, and I appreciate his work and the way he goes about it.

The National Labor Relations Board has proposed a rule that would drastically alter the way union elections are held.

A union election is one of the most significant decisions employees will have to decide at their workplace. It fundamentally alters their relationship with their employer, with the men and women they work with every day, and with the community. A union election means that small business employers have to meet unfamiliar and complicated legal obligations, with serious consequences for failing to meet deadlines, file specific documents, or assert their rights in the process.

The current process for holding union elections is both fair and timely. It ensures that businesses and employers have the necessary time to fully meet their legal requirements. It gives employees time to educate themselves about what unionization will mean for them and their families and to investigate the union that would be representing them to ensure that it is consistent with their values and priorities.

Under the current process, the average time between when an election petition is filed and ballots are cast is only 38 days. That is under 6 weeks. And more than 95 percent of union elections are held within 2 months of an election petition.

The rule the National Labor Relations Board is pushing would squeeze union elections into as few as 11 days. No, it doesn't require 11 days; it can shorten the time to as few as 11 days. That is just 11 days for employees to learn about the union that would have overwhelming influence on the future of their work conditions and to learn about what unionization would mean in their workplace and what dues they would have to pay. That is 11 days for employers to learn about their rights and requirements during the election, to collect information about employees that must be submitted, to draw up the final documents, to ensure that they haven't missed anything, and to make their position clear to their employees—all that while running their business. It is not enough time. The smaller the business, the more critical it is.

It is important to point out that a union that wants to organize in the workplace isn't subjected to that timeline at all. A union can start its campaign months in advance, maybe even years. Professional union organizers can start making their pitch long before they intend to petition for an election. Organizers have plenty of time to figure out which employees are union supporters and which employees might be on the fence but could be convinced. A union can take its time to create a narrative and build its case to workers, and it can do so without the business ever knowing. And then when the union decides the time is right, it can petition for the election when it is most advantageous for the union.

This is why we call it the ambush election rule—because if this rule goes

into effect, after a union has had months to build its case in its favor, a business will only have a few days to respond. That is only a few days to figure out what union officials have told employees; to determine if there are any misstatements, falsehoods, or misconceptions that need to be addressed in what employees have been told; to make the employer's position clear and answer any questions employees might have; and to meet all their legal obligations under the union election process. But it is not so simple because under the rules, employers must follow specific guidelines about what they can and cannot say and even who can say it.

I don't know any entrepreneurs who started a business because they were excited about understanding the ins and outs of the National Labor Relations Act. That is why it is important to maintain the current system, which includes sufficient time for employers to study election procedures, understand their legal requirements, and ensure they are meeting their obligations to their employees. The National Labor Relations Board's rule will deny employers the necessary time to do their due diligence.

This would be especially true for small businesses that don't have in-house lawyers or human resources departments. Small businesses are the backbone of our economy, and staying competitive means that small business owners have to take on a whole range of responsibilities. They have to be accountants. They have to be janitors. They have to play dozens of different roles every day to keep their business going. The rule we are debating today would mean they would suddenly have to become labor lawyers too.

Most small business owners are not familiar with the complex business laws that determine what they can and cannot do during a union election. They might not know that if they make certain statements or take certain actions, the National Labor Relations Board can impose a bargaining obligation on them even without a secret ballot election. Let me repeat that. They might not know that if they make certain statements or take certain actions, the National Labor Relations Board can impose a bargaining obligation on them without a secret ballot election. They might not know that they have certain rights but that they have to exercise those rights at a certain point in the process or they forfeit them.

Under the current system, they have time to learn. More importantly, they have time to work with their employees and even with the union organizers. One of the ways the current system succeeds is that it allows businesses, employees, and unions that would want to hold an election to work together through the election process. Many of the union elections that happen in less than the 38-day average are able to move forward so quickly because all

sides can come to an agreement on the issues, efficiently resolve any disagreements, and hold an election without any holdup. Businesses have enough time to understand the process, and that allows them to work cooperatively. If a business can be confident that it doesn't need to file unnecessary paperwork or hold unnecessary meetings, it can move forward without unnecessary delays. That won't be the case under the new rule where businesses—especially small businesses—don't have the time to get comfortable enough with the process. And I predict that the number of elections where unions and businesses can work cooperatively to hold elections more efficiently will fall significantly.

Under the new rule, a small business is going to have two options—either go into an election blind and hope they don't make any mistakes and hope everything comes out OK or take every precaution, hold every hearing, and fully exercise every right to make sure they don't miss anything important.

I believe small business owners want to work in good faith with unions through this process, but the ambush election rule is going to make it harder for them to do that. Efficient elections are better for everyone. Businesses can get back to work faster, unions can hold an election sooner, and employees get a fair and timely vote. But this rule is going to make it harder for that to be the case.

The National Labor Relations Board says it is making this rule because the process needs to be streamlined and updated. But what the Board is doing in a very partisan way simply doesn't make sense in light of the fact that the average time for a union election is 38 days—which means many elections happen sooner than that—and that nearly all elections are completed in less than 2 months.

The Board says these rules are meant to address problems with some elections that have been held up for months or years. That would really affect these mean numbers, so that can't be much of the case. If that is the case, why did they write a rule that is going to undermine a system that already provides for timely elections and gives businesses the time they need to work cooperatively with unions? When an agency makes a rule, it is supposed to be solving a specific problem, and that rule is supposed to be targeted at fixing this problem. In this case, NLRB's rule has not targeted the problem they want to fix. What is worse, this rule is going to undermine a system that meets the needs of businesses, unions, and employees in all but a handful of cases.

This rule doesn't make sense, and the way the Board is pushing this rule doesn't fit with how labor laws should be updated and improved. The National Labor Relations Act is a carefully balanced law that hasn't been changed very often. When changes have been made, it has been the result of careful

negotiation, input from stakeholders, and thoughtful debate. Unfortunately, it looks as though the only stakeholders in the room when the Board wrote this ambush elections rule were the unions.

The Board also says that its rule is intended to update the elections process to account for new technology, such as email and cell phones. Unfortunately, the rule fails to take into account the key concerns about data privacy and security that we face today. It undermines employees' privacy at a time when identity theft, computer crimes, and cyber security are serious issues.

Under current law, an employer is required to turn over employees' names and addresses within 7 days once an election is set. The proposed rule would not only expand the type of personal information that must be turned over, but would require that information be handed over to the union within 2 days. The expanded information the Board wants employers to give to the unions includes all personal home phone numbers, all cell phone numbers, and all email addresses that the employer has on file. It would also require work location, shift information, and employment classification. All of that can be used to harass the employee whether they want to be contacted or not, whether they want information or not.

Now keep in mind that under the new rule, the question about which workers are eligible to unionize or to participate in the vote isn't determined until after the election. What? They are not going to know which workers are eligible to unionize or to participate in the vote until after the election. That is a strange rule. The ambush election rule would require employees to hand over personal information on their employees to unions without confirming which employees should or should not be on that list. That is part of the process that gets left out.

The purpose of requiring the information, of course, is so the union organizers can come to your home, call you whenever they want, email you, find you after work and intercept you before or after your shift. There is no time limit to how many times union organizers can contact you or at what time. There is no opt-out for employees who simply don't want to be contacted. That could turn into a serious invasion of privacy for any employee, but for an employee who isn't eligible to participate in the election but has his or her information turned over to the union anyway, that is a serious breach of privacy.

I think it is important to point out how this rule undermines employee privacy, particularly when we frequently hear about news of data breaches, stolen credit card numbers, and identity theft. Protecting personal information is not something that can be taken lightly. Union elections can be very intense, an emotional experience for employees, employers, and union orga-

nizers alike. The last thing this rule should do is create a situation where an employee's personal information is used as a tool for harassment or intimidation.

The National Labor Relations Board is supposed to be an impartial body that hears cases, weighs the facts, and makes fair, unbiased decisions according to the law. Although the Board's decisions set precedents that determine how labor laws are applied going forward, it has not traditionally been a rulemaking agency. It has issued only a small number of rules, especially compared to other departments and agencies. Unfortunately, the Board has gone too far with the ambush elections rule. It has taken upon itself to impose new regulations that would hurt businesses, undermine a sensitive process that has already provided fair and timely elections, give up employee privacy, and bend carefully balanced labor laws in favor of the unions. Congress needs to tell the National Labor Relations Board this rule is out of bounds.

The Congressional Review Act gives Congress a tool to rein in agencies that use the Federal rulemaking process in ways Congress never intended. When an agency goes beyond what Congress has authorized or tries to issue regulations that would be harmful, the Congressional Review Act ensures that Congress can intervene and hopefully prevent that rule from going into effect. Congressional Review Act resolutions can't be held up by the usual procedural delay tactics, although today we saw a historic event. For the first time the Congressional Review Act had to have a cloture motion for it. That is privileged, so the cloture motion only required 51, but I have done several of these, and that is the first time I ever remember having to do a cloture motion. That is a filibuster. That is a delay on an inevitable discussion of the actions taken by a board.

So at the end of the day the Senate has to vote. That is important because it means Congress's oversight responsibilities over executive branch overreach has a real and immediate effect when we use the Congressional Review Act. But it goes further than that, because the Congressional Review Act also says once Congress has disapproved a rule, it cannot be reissued by the agency. That is important in this case, because this isn't the first time the National Labor Relations Board has issued this rule. The rule we are debating today is nearly identical to the rule the Board proposed in 2012, which was overturned by the courts because the Board failed to follow its own procedures when it issued the rule.

We need to pass this Congressional Review Act resolution, not just to roll back the National Labor Relations Board's unnecessary and harmful rule, but to make it clear to the Board that Congress has the final word on this rule and any other rule, and that the issue is closed.

It will also be a lesson to other boards and agencies proposing rules

without finding common ground, without looking at some of the common sense, and without looking out for the hard-working taxpayers.

The Board has already issued this rule twice, and we should make sure this is the last time. Congress should make it clear that unnecessary regulations that hurt small business and undermine the fair and timely elections process are nonstarters.

I urge all my colleagues to support this resolution of disapproval. We need to remind the National Labor Relations Board and other boards and agencies that their duty is to consider the facts of specific cases, to treat parties in those cases fairly, and to make impartial decisions according to the law. The Board's role is not to try to stack the system against one side or tip the scales in favor of the other, which is what this rule does. This rule makes it harder for businesses to meet their obligations in good faith. It denies employees the time they need to be able to make informed decisions, and it undermines the fair and timely process for union elections that is currently in place.

As you heard a number of times, John F. Kennedy, when he was a Member of the Senate, said 30 days was a pretty good time. Moving it down to 11 days—I don't think he would approve of that.

This is one of the most important votes on labor issues we will have this year, and I urge my colleagues to put a stop to this burdensome rule.

I yield the floor.

I suggest the absence of a quorum, and I ask unanimous consent that the time be equally allocated to the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FLAKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. FLAKE pertaining to the introduction of S. 638 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FLAKE. Mr. President, on a separate topic, I would like to urge my colleagues to support S.J. Res. 8, the joint resolution of disapproval under the Congressional Review Act of the National Labor Relations Board's final rule regarding union representation election procedures.

As we heard today, it is often called the ambush election rule. It gained its namesake because it shortens the time between when a union files a petition for an election and the holding of that election.

As a cosponsor of this resolution and a signer of the discharge petition to bring it before us for consideration, I believe this rule needs to be stopped before it takes effect on April 14.

According to NLRB data for the last 10 years, the median time before the union election was 38 days. This proposed rule could shorten that timeframe to as few as 11 days. The rule gives employers only 7 days to find legal counsel and appear before an NLRB regional office at a preelection hearing. Prior to that hearing, the employer must file a Statement of Position, which raises any and all legal challenges they may use later on. This is particularly burdensome for small businesses that typically don't have inhouse legal counsel. They have little time to get advice on what is permitted during this process.

There are also privacy issues with this rule's requirement that employers must hand over employees' personal information—including cellphone numbers, personal email addresses, shift times, and locations—to unions. With more than 95 percent of these elections occurring in less than 2 months, it is hard to understand why this onerous ambush election rule is even necessary.

Instead of burdening small businesses with complicated legal work and increased regulations, this administration and the NLRB should be focusing their efforts on increasing job growth and improving the economy.

I encourage my colleagues to support this resolution of disapproval.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FLAKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FLAKE. Mr. President, I ask unanimous consent that the Democrats control the time between 4 p.m. and 5 p.m. and the majority control the time between 5 p.m. and 6 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FLAKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFFORDABLE CARE ACT

Mr. WYDEN. Mr. President, tomorrow morning the Supreme Court is going to hear oral arguments in *King v. Burwell*. The Supreme Court's ruling could have sweeping consequences for the well-being of millions of Americans and for our Nation's entire health care system.

The issue at hand is whether Americans who receive the opportunity to buy quality health insurance, thanks to the Affordable Care Act, can get assistance in paying for that care. The law gives our States a choice. Our

States can design and manage an insurance exchange on their own or they can allow their citizens to shop on a federally run exchange. Furthermore, the law created tax credits to help Americans afford the cost of health insurance.

Thirty-six States took the Federal option. Eighty-seven percent of the people who signed up in those States get some measure of assistance so as to better afford coverage. However, the petitioners in *King v. Burwell* argue that those Americans should be denied any assistance.

In my view, the answer is simple. Let's help those who are in need. Let's not go back to that time in America when health care was for the healthy and for the wealthy.

If one flips on C-SPAN and listens to the Congress debate and question the administration, one might hear something wildly different. Some Members of Congress seem to be rooting for Americans to lose their subsidies and consequently their access to affordable health coverage. In fact, Members of Congress have filed briefs with the Supreme Court making essentially that argument. At the same time, they have asked how the Obama administration would clean up the aftermath. To me, that is like pouring gasoline on a fire and then indignantly demanding that somebody else go put it out.

There is no question the law's implementation has at times been a challenge. That is true of all major legislation. It is clear there ought to be bipartisan interest in continuing to improve the law. But the reality has been what we have had is a wornout, 6-year-old fight over the Affordable Care Act. The act's core purpose, which has been clear from the outset, is to help as many of our people get affordable, high-quality health insurance as possible, and the tax credits are absolutely key to making that work. In this case, those tax credits are in question.

To make their argument, the *King* petitioners scoured the text of the law and plucked out one obscure phrase buried in the text. That phrase is "established by the State," relating to how the tax credits are calculated. According to the petitioners, those four words—that one small phrase—is enough to put millions of Americans in danger of losing their health insurance. The petitioners are arguing, against common sense and the actual text and intent of the Affordable Care Act, that the intent was supposed to deprive millions of struggling families and individuals of affordable health care coverage.

In my view, this should not be a difficult case for our Supreme Court to decide. Looking at the law itself, the text is clear. To cite some examples, when a State declines to establish an exchange, the Federal Government is directed to fill in and establish "such exchange." This makes sure insurance coverage and tax credits become available to any "applicable taxpayer," regardless of where that taxpayer might

live. Furthermore, the information used to calculate the subsidies is gathered from everybody who buys an insurance plan. That would be unnecessary if Americans in only some States were eligible for the tax credits.

On top of that, it is a firmly established principle of statutory construction that when interpreting a provision of a law, a court should read the provision in context, not in isolation. It should consider how the part fits into the whole. As the Supreme Court has said, it is a "fundamental canon of statutory construction that the words of a statute must be read in their context and with a view to their place in the overall statutory scheme."

Here, looking at the overall statutory scheme, in my view there is only one plausible explanation. States have the option of establishing exchanges. If they decline, the Federal Government will establish an exchange for them. It was written that way so everyone who needs assistance and meets the relevant qualifications can receive that assistance. In my view, we just can't reach any other conclusion. Without the broadest possible access to health insurance—and financial assistance for those who need it—the system would simply be at risk.

The interpretation made by the petitioners makes absolutely no sense in the context of the overall statutory approach. It would contradict the fundamental purpose of the Affordable Care Act which, as stated in the title, is to provide "quality, affordable health care for all Americans."

Finally, a statute should be interpreted under the assumption that as the Court has said: "Congress . . . does not . . . hide elephants in mouseholes." Congress does not slip major rules, which have huge ramifications, into obscure corners of the law. In this case, Congress would not slip a major rule denying tax credits to millions—what would in effect be a poison pill—the Congress would not slip that deep into a line that simply defines the term "coverage month."

Furthermore, there is no evidence in the legislative history to support what I consider to be a warped reading of the law by the petitioners. If the Congress intended for the tax credits to help only some Americans, the Congress would have said that. The issue would have come up in committee hearings and markups and press conferences or in debates in the Senate or in the other body. It would have been reflected in fact sheets and in press releases that were made available to the public. It would have come up in committee reports that accompanied the bill's long journey through the Congress. It never did, not even once. The only way to get to the petitioners' view is by cherry-picking and contorting a four-word phrase.

Look at the long record of analysis provided by the trusted nonpartisan

staffs of the Congressional Budget Office and the Joint Committee on Taxation. We rely on them. They are bipartisan. They are nonpartisan. It was their job to do the math, to score the bills and figure out exactly what the economic impacts would be. In every analysis and in every communication the Congressional Budget Office and the Joint Committee on Taxation had with the Congress, they correctly presumed that tax credits would be available to all who qualified. The tables and reports prepared by the Congressional Budget Office and the Joint Committee on Taxation are all online. So what I have said can be backed up, and anyone can read those materials.

In my view, the petitioner's argument in this case is weak and the text of the law and congressional intent is clear. But, still, the wrong decision could make quality health insurance suddenly unaffordable for millions of Americans from one end of the country to the other. The negative effects of that ruling would radiate throughout our health care system. Recent studies of this case have suggested that the cost of insurance could soar upward for more than 7 million Americans. Only those most in danger of needing serious medical assistance would remain insured. The cost of insurance premiums, particularly in the individual market, would skyrocket for all. As a result, a crisis that would begin with 7 million people could grow to affect 8, 9 or 10 million and perhaps even more. In my view, it would send our country back to those dark days when health care in America was for the healthy and the wealthy. That is what the Affordable Care Act is intended to prevent. That is not what the American people want.

The Federal Government, independent health care organizations, and those whose insurance is at stake all agree—the tax credits are meant for all. Even America's Health Insurance Plans, the trade association representing the Nation's largest insurers, takes that view. It wrote in a brief filed with the Court that eliminating the subsidies "would leave consumers in those states with a more unstable market and far higher costs than if the ACA had not been enacted. . . ."

The only groups that argue otherwise are essentially political partisans that want to see the Affordable Care Act brought down at any cost. These arguments, in my view, are baseless, and they pose a serious danger to the health of millions of Americans—those in our country who went far too long without access to quality, affordable health care and who have it now with the Affordable Care Act.

I strongly hope the Supreme Court will take a conservative approach in its ruling—a conservative approach—and reject the challenge to the law. Then Congress can get on with the important business of bringing both sides together to improve the law where it needs to be improved and address the other important needs of America's health care system.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRANKEN. Mr. President, I rise today to oppose this resolution which would overturn modest but vitally important updates to the process that enables workers to exercise their rights to join a labor union. Today's attack on the NLRB's rule to modernize its election process is misplaced and misguided.

Today middle-class families are struggling with wages that aren't keeping up with expenses, while large corporations make record profits, and those at the top are doing better and better. But our economy doesn't grow from the top down; it grows from the middle out. Our economy is strongest when we have a thriving middle class with a strong voice in the workplace.

That is why we should be talking about how to restore basic workplace fairness to middle-class Americans and to those aspiring to be in the middle class. To me, that means if you work full time, you shouldn't have to live in poverty. It means making sure that moms and dads don't have to choose between keeping their jobs and taking a few hours to take their sick child to the doctor. Those are the things we should be focusing on. In fact, if we want to accomplish those things, we need to strengthen the voices of regular Americans in the workplace. The NLRB representation rule takes a small but important step toward strengthening those voices. That is why the resolution before us today is not only misplaced, it is also misguided. This resolution would do the opposite of empowering workers.

The purpose of this resolution is to block rules that will modernize a broken election process. Because that election process is broken, it is preventing workers from exercising a basic right they are supposed to have in the workplace—the right to have a seat at the bargaining table.

Too often, loopholes are being exploited to prevent workers from having the freedom to decide whether they want to form a union. Today, 35 percent of the time that workers file a petition for a union election, they never even get to have an election. The 10 percent of litigated cases that this rule targets for reform take over 6 months on average to get to an election, and some elections can be delayed for years. That is why workers need this rule to ensure a fair, effective process that is free of excessive delays.

Some of the updates in the rule simply standardize best practices that are already used in some parts of the country. For example, in some regions of

the country hearings are regularly scheduled to be held 7 days after the petition is filed and petitions are accepted by fax. Also, under the representation rule workers and companies can file documents electronically, bringing the process up to date with 21st-century technologies. It also increases transparency in the election process. Everyone involved—from workers petitioning for an election, to companies, to the NLRB itself—has to provide information to the other parties earlier in the process and in more complete form.

Nothing in this rule will change an employer's right to express its support for or opposition to a union. Nothing in the rule will change an employer's ability to communicate with workers from their very first day on the job. If the employer opposes collective bargaining in the workplace for better wages and working conditions, the company has the right to do that from the very beginning.

Modernizing and streamlining the process by which workers exercise their rights to join a union should not be controversial. Under the National Labor Relations Act, our laws explicitly recognize the rights of employees to engage in collective bargaining through representatives of their own choosing. That is the law.

As a member of three unions myself, I have seen firsthand how important it is for workers to have a voice in their workplace. The evidence shows that being a member of a union can have a tremendous impact on the lives of real people and their families. Workers covered by a collective bargaining agreement are paid more on average than those not covered. Unionized workers are more likely to have health care, retirement benefits, and paid leave benefits than other workers.

So, again, the changes made by the election rule are just commonsense updates that will support these important objectives. I urge my colleagues to oppose this resolution so that these commonsense reforms will be able to ensure a fairer election process for everyone.

I yield to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague from Minnesota for his outstanding remarks.

I want to rise to make one thing clear in this debate. My friends on the other side of the aisle once again have taken up the cause of special interests at the expense of hard-working Americans. Once again they are using their new majority in the Senate to find ways to keep the rules rigged against American workers.

Let's look at this. The bottom line is very simple. Middle-class incomes are declining. One of the main reasons middle-class incomes are declining is the decline of unions. That is what just about everybody who studies it says.

We are now 11 percent unionized. We were 30 percent, private sector only 6 percent. The bottom line is we had a lot of poor Americans in the 1920s.

Laws that were enacted by this Congress allowed unions to organize and workers, through collective bargaining, were able to gain some of the wealth from their labor. We had broad prosperity as America was unionized in the 1950s and 1960s and 1970s and 1980s. What happened was that corporate America learned how to both prevent new unions from occurring in new industries and breaking old unions.

As a result now, middle-class incomes are declining. Our colleagues on the other side of the aisle, once again, they talk they want to help the middle class, but in all the obvious ways to help the middle class—and unions do, whether the management likes it or not, they manage to give the workers more money—they do not walk the walk.

These NLRB changes are simple. There have not been substantial updates to the NLRB election process since the 1970s. The new changes pull the process into the 21st century, letting unions and employers file electronically and using modern forms of communications such as cell phones. Our colleagues are opposed to this. They want to undo it. My God, the changes will modernize union elections, prevent delays, reduce frivolous litigation, something even the Republican Board members on the NLRB supported in principle in their dissent.

Right now big corporations can use delays in labor elections to try and take advantage to postpone and even deny workers' rights to vote. This is what my friends on the other side of the aisle are rising up against: workers whose incomes are declining trying to get a little more money when corporate profits are at a record. The other side says, nope, side with the corporate profits over middle-class wages. That is what they are saying. That has been the theme in this Congress. It is going to continue to be the theme.

We will make it clear to the American people who is on their side. The congressional review process on these changes allowing employers and unions to file forms electronically, and we have to invoke this unique process, streamlining the process so workers are not kicked around with an army of lawyers?

It is disappointing that my friends across the aisle have made such a mountain out of a molehill with these rules. At the beginning of this Congress, I was hopeful my colleagues were ready to join us and go to work for working families who have experienced a lost decade of economic advancement, whose real wages have declined.

In an op-ed in the Wall Street Journal this year Leaders MCCONNELL and BOEHNER said one of the their primary goals was helping struggling middle-class Americans who are clearly frustrated by a lack of opportunity and a

stagnation of wages. If their only answer is to reduce regulations on corporations, lower corporate taxes, lower the taxes of the wealthy, and that is going to help the middle class, I have news for them, that is not going to fly.

I feel in my heart deeply that the decline of middle-class wages is a decline of America. I feel we have to do something about it, but we certainly should not regress. My colleagues, with this motion, it will make it harder for the middle class to grow wages, make it easier to say even a larger share of productivity goes to capital and a smaller share to labor, despite their rhetoric and despite the problems we face.

I see my dear friend from Tennessee. I hate to oppose him in such strong language because I think he is a fine gentleman, but on this issue we disagree.

I yield the floor.

Ms. MIKULSKI. Madam President, I wish to talk about protecting the middle class.

I am on the side of an economy that works for everyone and building a stronger middle class to bring opportunities to families across the Nation.

What is an economy that works for everyone? It means that if you work hard and play by the rules, you deserve a fair shot at the American dream.

An economy that works for everyone also means giving workers the right to organize, negotiate, and exercise their rights under the law in a timely way. I believe this can be done in a way that also enables businesses to prosper and to create jobs.

Unions raise wages, improve working conditions, and ensure fair treatment on the job. In many jobs they make the difference between living in poverty and making ends meet or the difference between just getting by and making enough to make a better life for a family. The right to unionize and collectively bargain helped grow the middle class.

When workers are choosing whether to unionize or not, they need a process that is fair, predictable, and efficient. But unfair rules, lax enforcement, and insincere negotiating has crippled union organizing and threatened the middle-class lifestyle that was once the economic pride of our country.

The main role of the National Labor Relations Board is to manage the relations between unions, employees, and employers in the private sector. The primary functions of the Board are to prevent or resolve unfair labor practices and to supervise union elections so that they are done accurately and fairly.

Now, the NLRB has put out rules that make modest updates to the election process that make sense in the 21st century. The rules would eliminate needless delays that slow the election process to a halt and modernize the process for sharing contact information to allow the use of email to communicate about the election.

But this and other commonsense updates are under attack in Congress.

Under this Congressional Review Act resolution, the whole rule would get tossed out. There is limited debate and there is no chance for offering amendments. Middle-class workers deserve better than this.

Currently, workers organize themselves by signing a document saying they want to join a union. Once a majority of workers sign up, they can ask their employers to be recognized as a union and collectively bargain for a contract.

However, some employers delay, delay, delay—refusing to recognize the union and requiring workers to go through an intimidating antiunion campaign that ends in an unfair election. Workers should be protected from these kinds of stall tactics and intimidation.

It is common sense that communication should be allowed to take place over email. These rules would allow for that. Documents should be allowed to be submitted electronically. These rules would allow for that, too. This creates a more efficient process that benefits workers.

I want workers to make more money. When families have more money in their paychecks, it is good news for the middle class and it is good news for our Nation's economy. When workers have a seat at the table, it means they have a better chance at getting the wages and the protections at the workplace they deserve. I want to grow our middle class by giving more workers this critical seat at the table. But they won't get it if Congress pulls the chair out from underneath them by throwing out this rule.

The PRESIDING OFFICER (Ms. AYOTTE). The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I know we are in Democratic time right now. So if a Member of the other side shows up, I will sit down. I appreciate the courtesy of my colleagues on the other side allowing me to continue my remarks. I will not take more than 7 or 8 minutes.

My good friend from New York just spoke. We have worked together on a number of things. He talked about the middle class. I think he is right to talk about the middle class and the effect of the National Labor Relations Board on the middle class.

Let me give a little bit different perspective on it. My problem with this NLRB is that it is not acting like an umpire between employers and employees, it is acting like an advocate for the unions. It did so in 2011 with the micro-union decision. It is doing so with the ambush elections rule, going against the advice of Senator John F. Kennedy in 1959, who said 30 days seemed like a fair time to give employees to consider whether to have a union.

They are ambushing employers—it's like riding through a canyon and suddenly people start shooting at you. In just 11 days—we have hundreds of thousands of small businesses across the

country that are trying to work, sell their goods, make a living, improve their status. That is the middle class we talked about.

Say you have five employees, say you are down in Maryville, TN, or Wichita, KS, the last thing on your mind is a labor lawyer. Here comes an election in 11 days. Suddenly small businesses have to find and pay a labor lawyer. They need legal advice at every step because in as few as 11 days they might have an election. There is no need to rush into an election that rapidly other than to give union organizers an opportunity to force a union election before the employer and its employees know what is going on.

Let me give one more example of the assault on the middle class that I see from this NLRB and our friends on the other side. In every community in America, there are lots of franchisees. These are the men and women who operate health clubs, barber shops, auto parts shops, childcare centers, neighborhood restaurants, music stores, cleaning services, and much more.

We had some franchisees testify before the labor committee the other day. These franchisees could have worked for a big corporation, but they said: I would like to run my own business. Franchisees can own a Ruby Tuesday's, a Rainbow Station, or an auto parts franchise. They own that business. They run that business.

They use that brand name to help it succeed. They use brand names like Planet Fitness, Merry Maids, or Panera Bread. They might work 12 hours a day serving customers, meeting a payroll, or cleaning. This is hard work, but 700,000 Americans do it because it is their way up the economic ladder. It is their way to say: I have my own business. I do not work for the big guys. I am a little guy working my way up.

Successful franchisees are one of the most important ways to climb the economic ladder of success. Yet this NLRB, the same one that wants to have ambush elections, has a pending decision that would threaten franchisees' very way of life. It is called the joint employer standard, which since 1984 has required a business to hold direct control over the terms and conditions of a worker's employment.

Through broad language, the NLRB is saying to McDonald's or Ruby Tuesday's that they are part of the parent company, and anything they do at their store has to be accepted by the parent company.

What are the consequences if that happens? The parent companies are going to say: We are not going to take that risk. We are going to own all of our stores. So we will own all of the Rainbow Stations. The parent company will own all of the McDonald's stores, or all of the Ruby Tuesday's.

What will that do? That might protect the parent company because it can hire a team of labor lawyers. It can instruct its employees what to do and

what not to do to avoid problems. But it takes away the middle-class opportunity of moving up the economic ladder from these 700,000 franchisees. That is what this NLRB is doing. The ambush election rule is nothing more than speeding up the time that it takes between when pro-union organizers ask an employer for a secret ballot election, and when that election actually takes place.

Every step you take has to be perfect according or else you might have to have a rerun election or be ordered to negotiate with the union. That jeopardizes the fairness in our system. The National Labor Relations Act was intended to create an environment of balance and fairness among employers and employees. Senator Kennedy said in 1959 that 30 days would be a reasonable amount of time between when a union organizer files a petition and when an election is held.

Senator MCCONNELL and I have another bill to restore the balance in the National Labor Relations Board. It is absolutely fair. The Board would be three Democrats, three Republicans. If the general counsel's complaint is outside the law, the aggrieved party can take it to Federal court. If the NLRB takes longer than 1 year to decide a case, either party can take it to Federal court. That is fair. That is the kind of umpire we need in labor relations today. So this is about the middle class. This is about moving up the economic ladder. This is about the kind of actions that give 700,000 Americans their franchise business. This is about the hundreds of thousands of Americans, with 4, 5, 6, 10, 15 employees, who do not need to be ambushed as they try to earn a living, pay their bills, sweep the floor, make a profit, pay employees, and create the American dream.

The stakes are high. We are right to say let's return the National Labor Relations Board to an umpire.

Let us hope the House agrees. Let us hope the President agrees. It's time to return fairness and balance to labor-management relations in this country. I yield the floor.

Mr. ISAKSON. Madam President, are we in a quorum call?

The PRESIDING OFFICER. We are not.

Mr. ISAKSON. Madam President, I rise to speak and to commend the chairman of the Health, Education, Labor and Pensions Committee, Senator ALEXANDER, for this resolution that is on the floor to rescind and overturn the ambush election rule the NLRB has asked to go in effect on April 14. It is just dadgum wrong. It is a solution in search of a problem.

We don't have a problem in terms of labor relations. Ninety-five percent of all the elections for unionization take place within 56 days. The median term is 38 days. That is 1½ months to 2 months. That is all it takes. This would compress that period of time from the average now of 38 days to 11 days.

Is 11 days enough time for a worker to get all the information they need to find out whether they want to become unionized? No, it is not. Is it fair to an employer to give him only 11 days to defend himself against a union organization trying to take him to a union shop? No, it is not. Does it do anything for the middle class? No, it does not. This is a solution for an issue, as I said, that doesn't exist, a problem that doesn't exist. It is time we stood up for American business and American workers.

I ran a sub S corporation, which is a small business in Georgia. Most everybody thinks this is a big business issue. It is not; it is a small business issue. It is a repeat effort by the NLRB to continue to meddle and tilt the playing field between labor and management.

Everybody knows that during the Industrial Revolution this country overlooked the worker. We had child labor, we had workers working too long, and we didn't have good safety rules. We all know labor unions came about because businesses failed to address their needs. But that was 100 years ago. Today we have good labor law, we have fair labor law, and we have opportunities for people to be unionized if they want.

Of all the elections called in the last 2 years, 64.2 percent have gone to a unionized shop—64.2 percent. In other words, the law we have now today works. It works for the worker and it works for the union. But it doesn't work to compress that time period to 11 days. That would cause confusion, it would cause discord, it would cause a terrible burden on the employer and terrible pressure on the employee.

Included in the rule are, in my opinion, privacy violations by the organizers. It will require the company to turn over cell phone numbers, private information and all of that, so the unions can harass them to try to get them to sign a petition for a clarification and certification. It is just downright wrong.

The chairman of the Health, Education, Labor and Pensions Committee is exactly right: This is an unfair rule. It has no place being passed and adopted. We have every right to rescind it, which I hope this Senate will do.

Let's remember who the middle class really is. Let's remember who small business really is. Let's remember why we have unions and why we have a National Labor Relations Board. We have it for fair and equitable treatment of labor law. We don't have it to tilt the playing field in favor of labor or in favor of management. We have it to be fair, so everybody gets a fair shake and a fair notice and a fair time to have their say.

So I rise to commend the chairman for his efforts and what he has done. I support his effort and what he has done, and I hope the Members of the Senate will vote in favor of rescinding this rule before it goes into effect. It would be a terrible one-two punch to have this rule go into effect on April 14

and the IRS's tax day be April 15. That is too much punishment for one period of time. It is just not the right thing to do.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Madam President, my Democratic colleagues and I come to the floor all the time talking about how we grow a middle class, how we help middle-class families, and how we make sure we have a strong economy because we have a strong middle class. Yet what we are seeing on the floor right now is an effort by our Republican colleagues to fight to keep a system which is rigged against American workers being able to get a livable wage, to have a voice in the workplace.

We know what we ought to be doing is looking for every possible way to support those who are working hard every day, to have a wage that allows them to care for their family, to send their children to college and achieve the American dream. They should have a voice in the workplace around safety issues, around other issues that are important for working men and women. We have in front of us a National Labor Relations Board rule change that was made to basically modernize the system around employee elections so that people have a fair shot to have their voice heard in the workplace.

It is pretty interesting to me that we are talking about simple changes that allow the use of email communications or fax communications—not exactly radical things in the world we live in. Without this modernization by the NLRB, we actually have a situation where people are denied the ability to communicate through email; to be able to talk about forming a union and communicate with each other through email, which is pretty crazy when you think about it. This particular vote would stop folks from using email or faxes.

The NLRB rule change was to modernize the election process, to eliminate certain paperwork hurdles that didn't make any sense, so an employer could not delay the ability for folks to vote as to whether they want to be part of a union. That is what is in front of us now.

What I wish was in front of us is the agenda we have been pushing, which is to actually strengthen the middle class. Instead, what we have in front of us is a vote about keeping the system rigged against American workers. There is no mistake about it. A "yes" vote, which eliminates this modernization process, is a vote to keep the system rigged against men and women who are working hard every day in the

workplace and who just want a fair shot to make it.

Interestingly, this only affects about 10 percent of union elections, because 90 percent of elections are done through agreement with employers and employees. That is a testament to the fact that the majority of folks can work together, if 90 percent of them are working out agreements.

What we really ought to be talking about on the floor is equal pay for equal work and how we enforce that. I am stunned that we have the Republican majority fighting to keep the system rigged against American workers and then turning around and saying, well, we are not going to pass laws that enforce equal pay for equal work, or we are not going to pass laws that create a livable wage so people who are working are out of poverty, so that we reward work by having a livable wage. That is not what is on the floor. What is on the floor is an effort to roll back the modernization of a process that would make sure the system is not rigged against workers.

Why are we not talking about equal pay or raising the minimum wage or talking about the cost of going to college? The majority of people today, who are playing by the rules, trying to do the right thing, trying to get the skills they need to be responsible citizens and work in the workplace, come out of college buried in debt—buried in debt—but we are not talking about that. We are not spending our time on that.

We are not talking about protecting pensions earned by workers over a lifetime, who are counting on those to be protected. We are not talking about how we strengthen and expand and guarantee Social Security for the future, or any number of things we could be talking about. If we just made sure that equal pay for equal work wasn't a slogan but actually a reality of this country, we would jump-start the middle class. We would jump-start the economy if women were earning dollar for dollar what men are earning. That alone, along with any number of other things, affects middle-class families.

It is not about creating an economy by giving to those at the top and having it trickle down and hoping someday, somehow, it will affect the majority of Americans. We believe you start with the middle, you grow the economy from the middle out. It is a middle-class economy that lifts everyone up and addresses the strength of our country.

So I am very concerned that when we look at precious floor time and what the priorities are, we are debating a rollback on the modernization of rules with the National Labor Relations Board that will basically keep in place a rigged system. Without that modernization it is just one more mark against workers who are trying to have a voice and are trying to lift themselves up and improve their wages and ability to be successful and be rewarded for their work.

There is a lot more we could and should be doing. We are going to continue to raise the issues that middle-class families care about. We are going to continue to fight for middle-class families every single day, and we are going to continue to oppose those who want to keep a rigged system against the middle class.

So I urge a "no" vote on this particular resolution, and hopefully we can stand together and actually create jobs and a better standard of living by doing those things that are going to help middle-class families across America.

I yield the floor.

Mr. DURBIN. Madam President, would you advise me what the time allotment now is for debate?

The PRESIDING OFFICER. The majority controls the time from 5 until 6.

Mr. DURBIN. I ask unanimous consent to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, it is interesting, when we get on the topic of unions, how we all come to this with such a different point of view. I come to it as a person who grew up in a household where every member of my family was a member of a union. My father and mother, who each had eighth grade educations, belonged to railroad unions in East St. Louis, IL. Because of that, there was bargaining for their wages and benefits—which I didn't understand as a kid, but I do now—that resulted in the quality of life we enjoy in our family. We weren't wealthy, but we were comfortable. I never went hungry, and I thought we lived a pretty good life. Mom and dad were hard workers. If you were a hard worker in those days and had the benefit of union representation, you could make a decent living. And we did.

If we study history, we will find that is what has gone on in America. Primarily after World War II, we saw two things happening: a rise in unionism—people who belonged to organized unions—and a rise in the middle class. In other words, employees who were able to bargain for their wages and benefits and retirement ended up with enough money to raise their families and to build the middle class in America.

In that period from post-World War II until the 1960s, the United States really took its place on the map in terms of our position in the economy. Exactly the opposite has been true since. Unionism—those who belong to organized unions—has been going down in most sectors except for government employment, and we have also seen a decline in the middle class. I don't think that is a coincidence; I think that is an indication that when workers do not have a voice in the workplace, they lose that bargaining ability to get a just wage, a good wage, a living wage, and the benefits that should come with it.

The irony is that American workers are still the best in the world. If we

just look at the issue of productivity of American workers, there is no reason for us to apologize. Our workers know how to create profit for the people they work for. Sadly, though, when it comes to this, we don't find that the companies that employ them reward their productivity with more wages and benefits. They don't. As a result, workers are working harder, making more profits for their company than ever, and yet they aren't seeing any real growth in their wages.

So there comes a time when workers should have the power to make a choice in their lives, and that is when they decide whether they want representation—an election to form a union where they work. That is what this bill is all about.

The National Labor Relations Board came up with a process that said: If you are going to have an election in the workplace so that workers can decide whether they want to belong to a union, let's at least make it fair, make sure that employers and employees and the unions have enough information. They can tell the workers their point of view, and the workers can decide.

I come to the floor today in support of the National Labor Relations Board's rule for modernizing and streamlining the election process for the workers. There is a wide divergence of opinions on both sides of the aisle here in terms of the value of unions. I value them. Some do not. But I think the ability of workers to organize and bargain collectively is about the only way to level the playing field and to create a growing middle class, which we need in America.

Last December the National Labor Relations Board came up with a rule, after a long process, to modernize the election process—the first time in almost 50 years. Fifty years ago they wrote the rules, and they said: You know, there are a few things that have changed in 50 years.

Here is what they said: The rule moves preelection problems, such as the 25-day waiting period and review, and consolidates options for delay and appeal into a single appeals process. In a nod to modern communications, the rule says employers and unions can file election petitions electronically rather than by fax or mail. This does not strike me as radical thinking. Think of all the things we do electronically today, from paying our bills each month, to communicating with one another, to gathering information. Bringing this to the labor situation, the choice of a union, is certainly not radical. And it requires employers to provide unions with the employees' personal email and phone numbers in addition to the existing requirement for names and addresses—personal email and phone numbers. When is the last time you filled out an application on the Internet when they didn't ask you for your email address or your phone number? It is routine, and we want to make this routine part of the process

for unions and employers to get in contact with employees.

Republicans have called this an “ambush rule.” They say it deprives employers of the time they need to explain why the worker should vote against a union. They also claim the rule limits an employer's ability to pursue adequate representation. But that is not a fair claim. Union elections are only triggered when 30 percent of the workers sign a petition favoring an election. Almost one out of three needs to sign it saying: We want an election. Employers talk to their employees all the time when the employees are being asked whether they want to sign up to be part of the 30 percent, so the employers have constant access in the workplace. And employers can still require workers to meet one-on-one with supervisors, and about two-thirds of the employers actually do that. Nine out of 10 employers require workers to watch anti-union videos before an election. The new rule doesn't change that at all.

Under the new rule employers have time to talk to their workers; they just have fewer options to delay the actual election. It looks to me as if it is an advantage to employers going in, and the changes by the NLRB are really not that substantial.

Last year at this time workers at the Rock River Academy and Residential Center in Rockford, IL, wanted to form a union. Rock River provides mental health and educational services for young girls with emotional disabilities. The workers didn't like the working conditions in the workplace, the short staffing and stagnant wages. They wanted to work together to address these problems and to do a better job. They quickly signed up a majority of their coworkers and filed a petition with the NLRB office in Peoria. From the outset, the workers felt the employers at the facility were trying to do everything they could to stop this election. The delay in finalizing a union gave the residential center time to wage an aggressive anti-union campaign.

There was a hearing eventually at the NLRB, but it was nearly 3 weeks after the petition was filed. On the first day the employer's attorneys claimed that all the workers at the residential center were nonprofessional, even though they included registered nurses, licensed special education teachers, and licensed therapists and social workers. The following day they reversed their position and argued that all the employees at the facility should be considered professional—this was the next day—even though many employees lacked a college degree. That stretched the hearing out for 4 days. When it comes to these elections, delay is really the tool that is used to stop a final decision.

The regional director at the NLRB ruled in favor of the union's position and ordered an election held 82 days after the petition was filed in which

more than a majority of the workers said they wanted an election. Eighty-two days later they actually got an election. During that time the employer hired two anti-union consultants to wage an anti-union campaign that included threats and interrogation and even the installation of a video surveillance system to monitor employees at all times throughout the workplace. Pro-union workers saw their hours cut, while non-union workers were given all the overtime they wanted. Worst of all, the employer terminated or laid off six employees in what they believe was retaliation.

Despite the delays and discomfort the employers created, a slim majority of employees still voted to form the union. But the employer continues to raise objections and intimidate the workers. Is that really what we want to see—the majority of the workers want the election, it takes 82 days to have the election, and then the recriminations and problems that follow? It doesn't seem as if this is workplace democracy, the way it was designed.

So I support this NLRB rule, and I am going to vote no on the efforts on the other side of the aisle to overturn it. This brings the election process into the 21st century and lets employers and unions communicate with employees. It doesn't encourage or discourage unionization; that is still up to the workers.

Some Republicans take offense to these changes and call it an ambush. Instead of standing up for workers, they have chosen to challenge these commonsense reforms. This rule is about reducing unnecessary delay and litigation and giving the workers the last word. That is what we are supposed to do.

This case in Illinois isn't unique. In some extreme cases, workers have been forced to wait 13 years for the simple right to organize. In many others, the delays have eventually led to a situation in which there was never a vote. Fifty-eight percent of workers want representation in their workplace, but the delays and challenges to the election process through NLRB discourage organizing.

These proposed changes by themselves neither encourage nor discourage unions. The proposed rule will apply the same way to workers attempting to decertify a union as it does to workers trying to form a union. The only real impact of the rule changes is, after 50 years, to recognize the existence of email and telephones, for goodness' sake. That is considered radical business by some on the other side of the aisle, but for most it is just common sense.

So oppose this effort to overturn this NLRB rule. Give the workers a chance to vote one way or the other on whether they want a union.

Madam President, I yield the floor.
THE PRESIDING OFFICER. The Senator from South Carolina.

Mr. SCOTT. Madam President, we are here today because the NLRB has once

again overstepped the line. I am not sure it is a red line, but I do know this—that the Board has become a hyperpartisan, pro-union entity, and that does not benefit the American people.

We saw it in my home State of South Carolina, in my hometown of North Charleston, when the NLRB and the IAM attempted to destroy what was at the time 1,100 jobs at Boeing. Boeing represents more than 8,000 jobs in North Charleston because of the success of South Carolina's pro-business, pro-employee—I want to emphasize "pro-employee"—environment. But the NLRB and the President simply decided that didn't fit their tastes. So after more than a year, when we saw the NLRB's general counsel joke about destroying the American economy and call Members of Congress names, they finally relented when they realized South Carolina and the American people would not stand for it.

But since then, the NLRB has continued to push policies loved by union bosses, even though it was created to be an unbiased arbiter. So today we are taking a very rare step—invoicing the Congressional Review Act—because the NLRB decided to do union bosses one more favor.

The ambush elections rule, which the Board has now finalized, will allow as few as 10 days to pass between employees filing a petition to unionize and a vote occurring. This rule is perhaps the most pro-Big Labor action taken by the current administration, which is quite a fete for this administration. Ambush elections hurt the ability of employees to make a well-informed choice on joining a union as it gives limited time to hear both sides of the debate. The rule also requires unprecedented amounts of employees' personal information to be given to union representatives, such as personal cell phone numbers and email addresses. The NLRB is also now placing burdensome requirements on employers that unions do not have to follow themselves, providing an unfair advantage to union organizers.

In South Carolina we have seen the potential ramifications that come as a result of a widely partisan NLRB, and this rule simply reinforces the fact that the Board must return to acting as the neutral arbiter it was intended to be. But since that does not seem likely anytime soon, as my friends on the left resist efforts that Senator ALEXANDER and I and others have introduced to reform the Board, we find ourselves here today.

I will leave you with just a few quotes. One is from Brian Hayes:

The principal purpose for this radical manipulation of our election process is to minimize, or rather, to effectively eviscerate an employer's legitimate opportunity to express its views about collective bargaining.

I urge my colleagues to vote to disapprove of the ambush elections rule and return workplace decisions to employees—not to Big Labor and a partisan administration.

Just a few weeks ago we had a hearing in the HELP Committee. Sometimes when we have this conversation about what is good for employees versus what is good for employers, we find a way of taking these two groups of folks and trying to put them in competing categories. I asked a very simple question at one of the hearings, and I wish to take a few minutes to walk through what we are expecting of employers as we engage in this new process of ambush elections. I think we will see very clearly why we call them ambush elections.

For the last 13 or 14 years, before entering Congress, I was a small business owner, an entrepreneur. I thought I had found the American dream. We were making a profit. We were moving forward. We were hiring people. And now, as I think it through, if I were still in business today, what are we asking employers to do in as short a window as 10 days?

With less than two dozen employees and no in-house legal counsel, I am expected in as few as 10 days to understand what an election position is; to find a labor attorney in Charleston with NLRB experience, and hopefully, NLRB expertise; to learn what can and cannot be said to employees; to figure out which employees are eligible to vote; to submit to the union names of eligible employees, their addresses, personal emails, their cell phone numbers, their work location, shift information, employee classifications; and to ensure all legal arguments are raised at this point in time so that I do not waive my right to use those arguments in the future. All of this must be done with amazing haste and great precision.

Meanwhile, the clock is ticking. The clock is ticking on my right to talk with my employees before an election. My business is being neglected. Bear in mind that employers and entrepreneurs start businesses so that we can actually accomplish a task, not necessarily to defend ourselves in this process. So while we are neglecting our business and incurring substantial legal costs, I have to ask myself one very simple question—and I think many people are going to ask themselves the same exact question—and it is simply this: How does this lead to a fair election for any employee or any employer? It seems to me that it simply cannot and it will not.

I thank the Presiding Officer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GARDNER). Without objection, it is so ordered.

THE ISRAELI PRIME MINISTER'S ADDRESS TO CONGRESS

Mr. THUNE. Mr. President, this morning we were fortunate enough to

hear Israeli Prime Minister Benjamin Netanyahu address a joint meeting of Congress. I was disappointed the Vice President and a number of Democratic Members of Congress chose not to attend this event. They missed a powerful speech, and they missed an opportunity to demonstrate America's commitment to our strongest ally, Israel.

In his speech before the American-Israeli Public Affairs Committee yesterday, Prime Minister Netanyahu spoke about Israel's alliance with the United States to, as he put it, "defend our common civilization against common threats." He spoke of "values that unite us . . . values like liberty, equality, justice, tolerance, and compassion." These are the values that unite us. They are the values both our Nations are committed to defend. It is an area of the world where respect for liberty and equality is often nonexistent. Israel stands up for these most essential principles. America is proud to be her ally.

The Prime Minister spoke this morning about the dangers of a nuclear-armed Iran. I scarcely need to enumerate the reasons why Iran possessing a nuclear weapon is such a dangerous prospect.

First and foremost, Iran is a state sponsor of terrorism. That rather bureaucratic phrase obscures the full horror of what it signifies—that Iran's Government helps advance the activities of those who have made violence their mission and have kept millions of ordinary men, women, and children in the Middle East from living in stability and peace.

Iran has fomented hostility toward the State of Israel, and its leaders have publicly stated the desire to wipe the entire Nation of Israel off the map. As Iran spreads violence and oppression abroad, it also uses the same tactics against its people at home. Iran's Government is hostile to freedom of any kind, whether it be freedom of speech or freedom of religion, and thousands of its own citizens have been tortured and imprisoned and executed for daring to stand up for their human rights. Keeping such a regime from developing a nuclear weapon must be a priority.

Unfortunately, since November of 2013, when the Obama administration first reached an interim nuclear agreement with Iran, all we have seen from these negotiations are delays and extensions while Iran has received an easing of sanctions. We hear it repeated that "no deal is better than a bad deal." Yet while Israel has made it clear that an agreement which recognizes Iran's right to enrich uranium is unacceptable, our own administration has yet to clearly state what a good deal would look like.

When the Senate made efforts to set out the parameters for an acceptable final agreement by introducing the bipartisan Nuclear Weapon Free Iran Act of 2015, which I cosponsored, the President announced that he would veto such a bill without even waiting to see

what it would look like after being fully debated and amended.

Last week two of my colleagues introduced the Iran Nuclear Agreement Review Act of 2015, which would give Congress 60 days to approve or disapprove any final agreement. It will be telling if the President threatens to veto this bill as well. It is essential that any final agreement on Iran's nuclear capability be acceptable to the American people, and congressional review is therefore indispensable.

I am eager to work with the White House and my colleagues across the aisle to provide the American people and our allies abroad with the assurance that Iran will not be allowed to arm itself with a nuclear weapon. However, I am concerned that if the President continues his go-it-alone approach, Americans may not like the deal that emerges.

KING V. BURWELL

Mr. President, I wish to pivot to an issue that is being considered over in the Supreme Court this week. Tomorrow the Supreme Court is going to hear oral arguments in the case of King v. Burwell, which challenges the extension of ObamaCare subsidies to States with Federal exchanges.

The President's health care law states that individuals who enroll through "an exchange established by the State" are entitled to receive subsidies to help with their premium payments.

ObamaCare architect Jonathan Gruber made it clear this was intended to give States an incentive to create their own exchanges. At an event in 2012, he told the audience:

[W]hat's important to remember politically about this is if you're a state and you don't set up an exchange, that means your citizens don't get their tax credits—but your citizens still pay the taxes that support this bill.

That is from ObamaCare architect Jonathan Gruber back in 2012.

In the wake of the health care law's passage, however, States made it clear they were reluctant to take on the costs and burdens associated with ObamaCare. More than two-thirds of the States declined to set up their own exchanges, and the Obama administration provided the subsidies to those enrolled on Federal exchanges despite there being no authority in the law for it to do so, and despite the concerns expressed by members of the President's own administration who were doubtful about the legality of such a move.

The administration's decision to push forward with the subsidies despite the lack of legal authority could have serious consequences for millions of Americans. If the Supreme Court finds the Obama administration overstepped its authority, 5 million Americans could lose their ObamaCare subsidies.

I recently joined several of my colleagues in sending a letter to the head of the Department of Health and Human Services and the Treasury Secretary to ask what the administra-

tion's plan is for dealing with the aftermath of an unfavorable Supreme Court ruling. The administration's answer: Nothing. That is right. Health and Human Services Secretary Sylvia Mathews Burwell told us the administration has no administrative plans for what it would do in the event of an unfavorable decision by the Supreme Court.

In fact, the administration declined to even warn Americans enrolling this year of what could happen if the Supreme Court found the administration was illegally providing subsidies.

Clearly the millions of Americans who could lose their health care premium subsidy, thanks to the administration's abuse of its authority, need a solution, and Republicans have been working on solutions. The junior Senator from Nebraska has put forward a plan to use the 1985 COBRA law to extend temporary health care assistance to these Americans for 18 months.

Other Republicans—Senator HATCH from Utah, Senator ALEXANDER from Tennessee, Senator BARRASSO from Wyoming—have offered their own plan which would also provide temporary financial assistance to affected Americans while they recover from the loss of the subsidies.

The chairmen of the House Ways and Means, Energy and Commerce, and Education and the Workforce Committees have released a roadmap for replacing ObamaCare with market-based solutions. Their plan allows States to opt out of many ObamaCare mandates while maintaining protections for Americans. It would also make refundable tax credits available to Americans who lost their subsidies.

All of these plans seek to replace the broken ObamaCare system with real health care reform that would lower costs, expand access to care, and to put patients, not the government, in charge of their health care decisions.

We don't need this court case to demonstrate that ObamaCare has been a massive failure. We already had the unexpected tax bills, the higher premiums, the loss of doctors and hospitals, the health care plans Americans were not allowed to keep, the law's negative effect on employment, and I could go on and on.

This court case underscores what all the other law's problems have demonstrated: ObamaCare is not fixing the health care challenges facing our country. If anything, it is making them worse. ObamaCare has been tried, and it has been found wanting. It is time to repeal this law and to replace it with health care reforms that will actually fix the problems in our health care system and improve affordability and access for all Americans. Five years of ObamaCare is long enough.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I rise today to discuss the National Labor Relations Board representation case procedures rule, which is set to go into effect April 14.

This rule unfairly expedites union elections and squelches individual self-determination, democratic decision-making, and freedom of expression. It is also a blatant attempt to circumvent Congress's legitimate constitutional role in how—if at all—to reform the National Labor Relations Act. It is a clear case of regulatory overreach, and it is an abuse of power.

The National Labor Relations Act seeks to create equity—or a "level playing field," so to speak—in labor relations. Now, I believe the NLRA is far from perfect. In fact, I have introduced multiple pieces of legislation over the years to amend the NLRA. Nevertheless, any reform must be openly debated and enacted by Congress, not decided unilaterally by an unaccountable bureaucracy.

I am concerned because this National Labor Relations Board case representation rule clearly favors the unions. I am not anti-union. I oppose this rule because I am a champion for both workers and businesses, for employee groups and the employer community. This rule hurts both. I oppose this rule not because I am against a worker's right to join a union but because this rule is detrimental to both employers and employees.

The NLRA guarantees the right to engage in union activities. It also ensures the right to refrain from such activities. This rule dramatically shortens the period of time that exists between a union filing an election petition and the actual election. Shortening this time period undermines an employer's ability to hold a lawful exchange with its employees on whether to select union representation. It also deprives workers of their right to receive key information from all sides, as the NLRB currently provides—a system that allows for a full and robust debate between unions, employees, and employers.

Moreover, there is simply no need for the rule.

Both businesses and workers deserve a process that is free of unnecessary delays. Nearly 95 percent of all elections take place within 2 months after a petition has been filed, and the unions have won more than two-thirds of these elections during that time. No one can claim that this process is fraught with unnecessary delays.

Unions favor this rule because it rigs the system by allowing them to campaign without the employer's knowledge. While some argue that employers are free to talk to their employees about unionization at any time, employers are unable to rebut a union's

argument if they are unaware the arguments are even being made. This rule leaves employers with insufficient time to respond to a union's arguments—and they know that. That is what is wrong with this legislation. Once again, this hurts both the worker and the employer.

While my main objection to this rule is that it precludes workers and employers from necessary and protected information sharing, I also oppose the rule because it is likely to throw many elections into chaos and confusion.

Under this rule, voter eligibility would be deferred to postelection procedures. Employees would be asked to vote on joining a union without knowing which employees will ultimately make up the bargaining unit. Simply put, unions are trying to win representation elections without defining whom they are representing.

Furthermore, there are serious due process concerns surrounding the initial hearing and Statement of Position requirements. It is particularly burdensome to small employers to collect the required information following the filing of the petition in this drastically shortened timeframe.

Lastly, we cannot ignore that with this rule the NLRB is invading employees' privacy and exposing them to potential identity theft by mandating that employers turn over employees' personal telephone numbers and email addresses to the unions. That is outrageous. The rule tramples on workers' individual liberties by allowing unions to unfairly obtain an employee's private information.

The NLRB should be a neutral arbiter—an impartial overseer of the process—working to enforce the law, and to stop violations, and to intervene in attempts to sway benefit from one side or the other. It should not be an advocate for organized labor. Rather than approaching the situation from the neutral perspective, this rule makes a value judgment that favors unions based on false assumptions.

The NLRB should properly be safeguarding labor relations processes. I urge us all to support workers' personal liberties by providing them ample opportunity to make up their own minds. I urge all of my colleagues to support employers in preserving due process while cultivating constructive dialogue between businesses and workers.

I thank Senators ALEXANDER and ENZI for leading this action under the Congressional Review Act. I am proud to stand with the majority of my Senate colleagues today in preventing the NLRB's abuse of regulatory power by supporting this resolution of disapproval.

I am well aware of these types of tactics by the union movement. I am one of the few people in this body who was really raised in the union movement, who actually learned a skilled trade, who actually worked as a union member for 10 years in the building and con-

struction trade unions as a metal lather.

I have to tell my colleagues that some of these people in the NLRB and others have been trying to get quickie elections through for a long time, and of course, the purpose of it is to slant everything in their favor, when they win a majority of the NLRB votes anyway. No, they just want to win all of them without giving the employees the necessary information to be able to make wise decisions as to whether to join a union, and then they cloud it up by making it almost impossible to know which part of the union or which methodology they are going to go into.

We have stopped quickie elections for years. We have had good Democrats and good Republicans vote against quickie elections. It is not fair to slant the system totally against employers, which is what this bill will do.

Frankly, it is time we quit pulling these dirty tricks. It really never ceases to amaze me. When Republicans appoint—and they are in the majority—people to the NLRB, as a general rule, they try to make things more fair. They try to look at both sides and be fair. When Democrats do it—when Democratic Presidents do it—they try to pull tricks such as this that really are unworthy of the type of considerations that really are involved in these union elections. I don't mind unions winning, but they ought to win fair and square. They shouldn't win because they stacked the deck against the businesses. There are enough rules to give unions advantages in union elections as it is. But to have quickie elections so that the owner of the business or the owners of the business don't have a chance to answer the questions that come up or even speak to their employees is just wrong. I am opposed to it, and I hope everybody in this Senate is opposed to it as well.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

KEYSTONE XL PIPELINE

Mr. DAINES. Mr. President, the Keystone XL Pipeline means opportunity for the American people. The President is standing in the way of jobs. He is standing in the way of affordable energy. He is standing in the way of our Nation's energy security. His recent veto threat and now carrying through with the veto sent a clear message that he is more concerned with political games than increasing opportunity for the American people.

We are here today to send a strong message that this fight is far from over.

The Keystone XL Pipeline is a lifeline for many Montana communities. In fact, the Keystone Pipeline enters the United States through Montana, and that is why I will keep fighting to get this project moving forward.

In fact, in our State of Montana alone, the Keystone Pipeline means \$80 million to Montana counties and schools per year. Now, \$16 million per year of that goes directly to our Montana university systems. This is how we continue to fund our infrastructure, our schools, and our teachers.

A couple of weeks ago I got a call from Rion Miles. He is the business manager for the Operating Engineers Local 400 in Montana. He told me the Keystone XL Pipeline will create 300 good-paying jobs for his union members in Montana alone. Like most Montanans, Ryan is scratching his head. He doesn't understand why the President is standing in the way of these good-paying union jobs.

A while back, I was in my pickup traveling in eastern Montana in the town of Glasgow. I stopped by the NorVal Co-Op. This co-op supplies electricity to a few thousand Montana families in northeast Montana. They told me over a cup of coffee that morning that they will keep electric rates flat for the next 10 years if the Keystone Pipeline is approved. Why is that? That is because the NorVal Co-Op is supplying the electricity to a couple of the pump stations on the Keystone Pipeline. That extra volume of electricity will help keep costs down for everybody.

I asked: What happens if the Keystone Pipeline is not approved? They said electric rates would go up about 40 percent over the next 10 years. That is nearly \$500 a year of increase per family. These are hardworking Montana families living month to month. These are senior citizens living on fixed incomes, where we can hold their utility rates, electric rates flat for the next 10 years by passing the Keystone Pipeline bill.

What about North American energy independence? Up to 830,000 barrels a day of oil will be transported through this pipeline. Contrary to what the President has said, 100,000 barrels a day from the Bakken, which is shared between North Dakota and Montana, will be put into that pipeline close to Baker, Montana.

The President was just given four Pinocchios by the Washington Post yesterday for claiming that the Keystone Pipeline bypassed the United States.

I would like to have the President come to Montana. I will pick him up in Billings, and we will drive in my pickup. I will show him where the proposed siting is for the Baker onramp where 100,000 barrels a day of made-in-Montana and made-in-North Dakota oil will enter the Keystone Pipeline. The people of Montana and the people in the Bakken region know the President's claim is absolutely false.

With gas dropping under two bucks a gallon where I am from, that has been a welcomed change for many, many hard-working Montana families. Why are gas prices dropping? It is because we are seeing more made-in-America

energy. Again, this lowering in gas prices will result in approximately \$750 a year of savings for the average American household. That is a good thing. But rather than hitting pause on our energy production, it is time to encourage it.

Just this morning we were reminded by Israeli Prime Minister Netanyahu that we are living in an increasingly dangerous world. Our energy security isn't just about jobs and low energy prices. It is directly tied to our national security. Whether it is ISIS, whether it is Boko Haram in Nigeria and Chad, whether it is the Russian aggression in Eastern Europe or the growing threat of a nuclear Iran, it is vitally important we move forward with more made-in-America energy because many of these regions that are filled with turmoil supply much of the world's oil and natural gas.

I remember just a year ago when we were having some challenges and we looked at the numbers of what is going on in Ukraine. Nearly 40 percent of the natural gas that is supplied in Europe comes through pipelines going through Ukraine. Thankfully, as the United States becomes the world's largest oil producer this year, surpassing both Russia and Saudi Arabia, these are positive steps forward towards a more secure future for our children and grandchildren. We need more made-in-America energy, not more made-in-the-Middle East oil. The Keystone Pipeline will help us do just that.

Looking forward, the President's veto isn't the end. This week we will vote to override the President's veto. I hope we can get three or four more Senators onboard for this veto vote, and we can do it in the Senate. I call on my colleagues on both sides of the aisle. It was encouraging to see a good bipartisan vote in the Senate and in the House in support of the Keystone Pipeline. Let's stand together, and let's stand with the American people and override the President's shortsighted veto. Regardless of the vote, the fight is not over.

This week the President himself said he would make a final decision on this pipeline. I hope he does. You realize it took the Canadians just 7 months to approve the Keystone Pipeline—7 months. It has now taken our President over 6 years without approving the pipeline. We must keep the pressure on this administration. We must continue to fight for American jobs, American opportunity, American energy independence, and low energy prices.

I yield back my time.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

REMEMBERING MINNIE MINOSO

Mr. DURBIN. Mr. President, on Sunday, America lost a baseball legend

when Saturino Orestes Armas Minoso Arrieta passed away. We knew him as the Cuban Comet, as Mr. White Sox, as the heart and soul of Chicago baseball on the South Side, and a beacon of hope for Cuban athletes everywhere. It is with great sorrow that Chicago loses its South Side White Sox champion only days after the North Side Cubs lost their champion, Ernie Banks.

Before Minnie was Major League Baseball's first black Latino star, he was the son of a sugarcane plantation worker in Perico, Cuba. He started his professional baseball career in Cuba, playing for \$2 a game with the Ambrosia Candy team in Havana for the 1943 season. He also worked in the company garage for \$8 a week. But within a couple of years, he made it to Havana's Marianao team, making \$150 a month, which soon became \$200 a month to keep him from moving even more quickly in his career.

By 1946, Minnie's talent couldn't be kept away from bigger leagues. He signed a \$300 deal to play for the New York Cubans of the Negro National League. Minnie played third base for the Cubans, batted .294, played in the All-Star Game, and helped them win the pennant. They would beat the Cleveland Buckeyes in the World Series.

The Cleveland Indians hired Minoso in 1949, but the Indians barely used him. He spent the next 2 years in the minor leagues. In 1951, the Indians made a three-team trade with the White Sox and Philadelphia Phillies, and Minnie arrived in Chicago.

Minnie Minoso was the first Black player to wear a Chicago White Sox uniform. His first at-bat was a home run. That first year, the fans gave him his own day, and he was selected for the All-Star Game. He drove opponents mad with his ability to get on base and steal bases. He unabashedly crowded the plate and was hit by a pitch 192 times—just so he could steal second.

Minnie Minoso played 12 seasons with the White Sox over five decades. The seven-time All-Star was The Sporting News Rookie of the Year in 1951, he won three Gold Gloves in left field, and finished in the top four in American League MVP four times. His number was retired in 1983. Minnie had a wonderful career. He is one of two players ever to appear in a major league game in five decades. During the 1950's, two players had 100 homeruns, 100 stolen bases, and batted .300. Those two were the legendary Willie Mays and Minnie Minoso.

But his life was bigger than numbers. He brought optimism to all those around him. Nothing made him happier than when the White Sox won the World Series in 2005 with fellow Cubans Jose Conteras and Orlando Hernandez playing pivotal roles.

Minnie Minoso was a great treasure to Chicago. He used to cruise the Chicago streets in his big car with a White Sox flag flying and his dog Jewel on the front seat. Through all the decades

he spent in Chicago, he helped make the town, the White Sox, and the sport of baseball a joy for thousands of fans. He will be missed.

DEPARTMENT OF HOMELAND SECURITY FUNDING

Ms. MIKULSKI. Mr. President, today the House adopted the Department of Homeland Security funding bill without poison pill riders. The bill passed the Senate on Friday, and will fund the Department of Homeland Security through September 30, 2015—the end of fiscal year 2015.

I am glad Congress finally put partisanship aside and funded the security of the American people. And, I want to thank all those who protect our country, from the Coast Guard to the Secret Service, to cyber security professionals and intelligence analysts. Your funds are secure.

The mission of the Department of Homeland Security is to protect America from terrorism and help communities respond to all threats, including those from terrorists and natural disasters. This is a good bill and there was no disagreement on the funding. In December, working with Senator COATS and Senator Landrieu, and our House colleagues, we agreed that vital funding for the Department of Homeland Security would total \$46 billion—over \$1 billion more than a continuing funding resolution.

I am glad this responsible bill to fund the mission of the Department of Homeland Security and its employees is heading to the President's desk. DHS employees are on the job every day. The Coast Guard is literally breaking ice to keep the economy flowing. The Secret Service is protecting the President and fighting credit card fraud. Border Patrol and Immigration and Customs Enforcement agents are securing our borders and enforcing our immigration laws. The Federal Emergency Management Agency is preparing for and responding to disasters, including hurricanes and blizzards. There are cyber warriors securing our networks. And through grant programs the funding supports State and local law enforcement, fire fighters, and EMS. Now, after 5 months, we have done our job to put the resources into the hands of the workers who defend America.

It is my hope that with passage of the homeland security funding bill, Congress can end the era of divisive shutdown politics. The millions of men and women serving in our military and the civil service, who work every day to make this a better Nation, deserve respect and the resources to do their jobs.

Looking ahead, I look forward to working across the aisle and across the dome to debate and complete all 12 fiscal year 2016 appropriations bills in an orderly way, without poison pill riders.